

\*\*E-filed 1/17/07\*\*

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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 INFINITE MONKEYS & CO., LLC, a California  
18 limited liability company,

Case No. C 06-04692 JF (RS)

19 Plaintiff,

STIPULATION AND [PROPOSED] ORDER  
RE VACATING MEDIATION DEADLINE

20 vs.

21 NETBLUE, INC., a California corporation, and  
22 DOES, 1 - 50,

23 Defendants.

1 Plaintiff Infinite Monkeys (Infinite Monkeys") and Defendant Netblue, Inc.  
2 ("Netblue"), through their counsel, hereby stipulate as follows:

3 1. The Court ordered that the parties should mediate by January 16, 2007.  
4 2. There is good cause to vacate the Court order setting the January 16, 2007  
5 completion date for mediation: (a) Infinite Monkeys is considering dismissing this case, although  
6 the terms and conditions of such dismissal have not been agreed upon; and (b) Infinite Monkeys did  
7 not respond to Netblue's discovery, which was served in October, and never served any Initial  
8 Disclosures.

9 IT IS SO AGREED:

10  
11 Dated: January 12, 2007

JEFFER, MANGELS, BUTLER & MARMARO LLP  
JEFFREY K. RIFFER  
BRIAN M. YATES

12  
13 By: /S/ - JEFFREY K. RIFFER  
14 JEFFREY K. RIFFER  
15 Attorneys for Defendant Netblue, Inc.

16 Dated: January 12, 2007

17 WALTON & ROESS LLP  
18 TIMOTHY J. WALTON

19 BY: /S/ - TIMOTHY J. WALTON  
20 TIMOTHY J. WALTON  
21 Attorneys For Plaintiff Infinite Monkeys & Co. LLC

22 ORDER

23 FOR GOOD CAUSE, and pursuant to the above Stipulation, the January 16, 2007  
24 completion date for mediation is vacated.

25  
26 Dated: January 17 2007

27  
28   
HON. JEREMY FOGEL  
UNITED STATES DISTRICT COURT JUDGE

DECLARATION OF JEFFREY K. RIFFER

I, Jeffrey K. Riffer, declare as follows:

1. I am duly licensed to practice before this Court and am a partner with the law firm of Jeffer, Mangels, Butler & Marmaro LLP, counsel for Defendant, Netblue, Inc.

2. I attest that concurrence in the filing of this document has been obtained from each of the other signatories which shall serve in lieu of their signature(s) on this document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12<sup>th</sup> day of January 2007, at Los Angeles, California.

- JEFFREY K. RIFFER -

JEFFREY K. RIFFER